



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,424	07/09/2004	GREGORY A. KAEPP	81105266DIV	4423

7590

02/06/2006

Artz & Artz P.C
29333 Telegraph Road
Suite 250
Southfield, MI 48034

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/710,424	Applicant(s) KAEPP ET AL.	
	Examiner Kevin Hurley	Art Unit 3611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


The Appeal Brief filed on 06 October 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

3. An amendment after final was submitted on 20 July 2005 which was not entered. An Advisory Action was mailed 26 July 2005

7. The claims in the appendix have been copied from the above noted amendment which has not been entered. Applicant's arguments are thus directed to claims which have not been entered. The claims which were subject to final rejection were submitted with the RCE filed 16 March 2005, a copy of which is attached. The claims are significantly different in scope.


 Kevin Hurley
 Primary Examiner
 Art Unit: 3611

IN THE CLAIMS

Claim 1. [Currently amended] A method for providing an access door for concealing a hitch receiver in a bumper assembly of an automotive vehicle, wherein said bumper assembly has a bumper cover with an aperture for accessing not only an interior portion, but also an exterior portion of the hitch receiver, with said method comprising the steps of:

providing an access door having an outer surface and an inner surface, with said access door further having an attaching bracket mounted to said inner surface, with said bracket being adapted for engagement with said hitch receiver, and with said access door being sized so as to engage with said bumper cover and extending about the periphery of said aperture, so as to generally close said aperture, thereby concealing said hitch receiver; and

installing said access door upon said vehicle by engaging said attaching bracket with said hitch receiver, thereby placing the access door in contact with the bumper cover at the periphery of said aperture.

2. [Original] A method according to Claim 1, wherein said outer surface of said access door is decorated.
3. [Original] A method according to Claim 1, wherein said access door is tethered to said bumper assembly.
4. [Currently amended] An access door ~~adapted to conceal~~ for concealing a tubular hitch receiver mounted within a bumper assembly of an automotive vehicle, wherein said bumper assembly has a bumper cover with an aperture for accessing not only an exterior portion, but also an interior portion of the hitch receiver, with said access door having an outer surface and an inner surface, with said access door further having an attaching bracket mounted to said inner surface, with said attaching bracket being adapted for telescopic engagement with said hitch receiver, and with said access door being sized so as to engage said bumper cover and extending about the periphery of said aperture, so as to generally close the entirety of said aperture, thereby concealing said hitch receiver.

5. [Original] An access door according to Claim 4, wherein said access door further comprises a tether having a first end attached to said access door and a second end adapted for attachment to a vehicle.
6. [Original] An access door according to Claim 4, wherein said access door further comprises at least one spring-loaded latch for engaging said attaching bracket with a hitch receiver.